IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WP No. 27392 of 1998

Between :

N.Gurunath .. Petitioner

And

Tirumala Tirupati Devasthanam,
Rep. By its Executive Officer,
Tirupati and another .. Respondents

Dated : 7th August 2007

JUDGMENT :

This writ petition has been instituted seeking directions to the Tirumala Tirupati Devasthanam, the 1st respondent herein to consider appointing the writ petitioner as a canteen supervisor taking into consideration his qualifications and the recruitment by transfer, which has been incorporated as a source for recruitment in the Tirumala Tirupati Devasthanam Employees Service Rules, 1989. The case of the writ petitioner is that he has been recruited as a Cleaner in the canteen run and managed by the Tirumala Tirupati Devasthanam on 24.8.1992. He has since improved his academic qualifications. The Governor of Andhra Pradesh made amendment to the Tirumala Tirupati Devasthanam Employees Service Rules, 1989 by

incorporating Clause (viii) to Rule 9, the same was published through G.O.Ms.No. 375, Revenue (Endts.III) Department, dated 26.4.1994. The newly incorporated Clause (viii) of Rule 9 of the Rules read as under :

> "(viii) persons acquiring higher qualifications in any field and working in any other sections or departments shall be appointed by transfer as and when vacancies arise within the management of the Tirumala Tirupati Devasthanams as first priority.
>
> Provided that the above provision will be applicable to the Electrical Section, Engineering Service Branch when no other candidate is available in the feeder category of appointment to the category of the Assistant Engineer (Electrical)."

The newly incorporated proviso has rendered it applicable only to the posts in Electrical Section and Engineering Service Branch. Admittedly, the writ petitioner is working in a canteen run and managed by the Tirumala Tirupati Devasthanam and such canteens apparently do not form part of the electrical wing or the engineering service branch of the TTD. Therefore, it is un-understandable as to how Clause (viii) of Rule 9 which has been notified through G.O.Ms.No. 375, Revenue (Endts.III) Department, dated 26.4.1994 can be pressed into service by the writ petitioner. This apart, he had claimed that one Sri M.Vijay Bhaskar is appointed as a Canteen Superviosr in terms of the amendment brought about through G.O.Ms.No. 375, Revenue (Endts.III) Department, dated 26.4.1994.

But, however, it is worthy to note that the writ petitioner has submitted a representation dated 17.10.1994 to the Executive Officer of the Tirumala Tirupati Devasthanam, which is placed at page No.6 of the material papers accompanying the writ petition. In the said representation, it is pointed out that Sri M.Vijay Bhaskar is the son of M.R.Krishna Murthy who seems to have retired on medical invalidation ground and consequently Sri M.Vijay Bhaskar came to be appointed on compassionate grounds as a canteen supervisor vide proceedings TL4/47913/93, dated 7.9.1994. Therefore, it is manifestly clear that the comparison drawn by the writ petitioner with the case of Sri M.Vijay Bhaskar is completely out of context. It is apparent from the representation dated 17.10.1994 submitted by the petitioner himself that the appointment of the said M.Vijay Bhaskar as a Canteen Supervisor came about in an altogether different set of circumstances which has no connection whatsoever to the scheme of the amendment brought about by introducing Clause (viii) of Rule 9 of the Tirumala Tirupati Devasthanam Employees Service Rules. Therefore, I see no reason to entertain the writ petition, which is devoid of merits. The writ petition is therefore dismissed. No costs.

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knk 7.08.2007